

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 2:23-CV-00103-JRG-RSP

**DEFENDANTS' RESPONSE TO PLAINTIFF HEADWATER'S
MOTION FOR LEAVE TO SUPPLEMENT EXPERT REPORTS BASED ON NEWLY
PRODUCED INFORMATION
(DKT. NO. 194)**

Provided that Samsung is given leave to serve responsive expert reports, Samsung does not oppose Headwater's Motion for Leave to Supplement Its Expert Reports as set forth in Docket No. 194-1 (Mr. de la Iglesia's supplemental report) and Docket No. 194-2 (Mr. Dell's supplemental report). Samsung has provided Headwater with copies of its experts' responses to those supplements. On November 6, 2024, before Dr. Foster's deposition began, Samsung shared Dr. Foster's response with Headwater. Ex. 1 (Foster Supp. Rpt.) ¶¶ 1-9, 12-27, 35-45.¹ Similarly, on November 15, Samsung shared Dr. Perryman's response. Ex. 2 (Perryman Supp. Rpt.) ¶¶ 1-11, 16.²

As detailed in earlier motion to compel briefing, Headwater chose to delay its pursuit of certain discovery and its motions to compel until the eleventh hour of fact discovery. Dkt. Nos. 145, 157. Headwater's delay resulted in Samsung producing the discovery that forms the basis for Headwater's supplemental reports after the service of opening reports, and in part, after the service of rebuttal reports. Dkt. 174 at 2. Samsung does not oppose that Headwater be allowed to supplement its opening reports to address that discovery, provided Samsung is allowed to respond in kind. It would be unfair to prevent Samsung from responding to Headwater's supplements, especially given that Headwater's delay in pursuing discovery created the need for these supplements.

¹ The remaining portions of Dr. Foster's supplemental report address claim construction opinions that Mr. de la Iglesia first disclosed during his deposition on October 30, 2024, after service of Dr. Foster opening and rebuttal expert reports.

² The remaining portions of Dr. Perryman's supplemental report relate to the sections of Dr. Foster's supplemental report that address the claim construction opinions that Mr. de la Iglesia first disclosed during his deposition.

Dated: November 18, 2024

Respectfully submitted,

By: /s/ Katherine D. Prescott

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on November 18, 2024. As of this date, all counsel of record had consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Katherine D. Prescott

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